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TAGS: [PARM](#) [PREL](#) [CWC](#)
SUBJECT: CHEMICAL WEAPONS CONVENTION (CWC): WRAP-UP FOR
WEEK ENDING OCTOBER 27

This is CWC-99-06.

EXTENSION REQUEST DISCUSSIONS

¶1. (U) Del rep continued meeting with interested delegations on the subject of the U.S. extension request. A meeting with the Indian delegation was positive. The Indians expressed support for U.S. transparency, and an understanding for difficulties the U.S. has encountered in its destruction program, noting several times that as a fellow possessor, India had no intention of causing trouble on the U.S. extension request. Indian reps asked detailed questions about the U.S. and Russian programs, and noted their concern over Russia's proposal to conduct visits to the destruction facilities of all possessor states.

¶2. (U) Del reps also met with Shahrokh Shakerian, the Iranian delegate. Shakerian was surprisingly frank about his specific concerns regarding the U.S. extension request, most notably the "legality" issues stemming from references in the U.S. draft decision to the national paper projecting destruction operations beyond 2012. Shakerian noted the Russians had been "clever" in development of their detailed plan that conveniently ended exactly on April 29, 2012, and that no one would fault either the U.S. or Russia if, closer to 2012, it became clear they would not meet the final deadline.

¶3. (U) He also expressed support for the concept of site visits, but indicated a desire to reach agreement on specifics of the mandate, activities, and reporting of a visiting delegation before any visit could occur (although it could be acceptable to agree the principle up front and come to agreement on specifics later). Finally, he noted concern at the Russian attitude that their extension request was really only a formality, and stated that concluding CSP-11 without having reached consensus on the draft decisions of the two major possessors would be the worst outcome for the credibility of the Convention. (Del comment: This seems to indicate a desire to conclude, rather than extend, discussions on the draft decisions, which could be useful in final negotiations on the U.S. decision text and approach to site visits. End comment.)

BUDGET

14. (U) Budget consultations were held on October 26 to discuss all outstanding concerns with the 2007 budget. Co-facilitator, Walter Lion (Belgium) asked again for those countries with concerns on the 2007 ICA funding level to present concrete proposals or ideas for enhancement. South Africa said that there would be little value in going over the ICA issue in depth again for the purposes of this meeting. South Africa stated that the Technical Secretariat had told him bilaterally that they were willing to look again for any areas in the ICA division that could benefit from increased funding in order to prepare an alternative proposal. Mexico supported South Africa stating that the TS is in the best position to decide where increased funding should be allocated. India also supported the South African comment, and requested feedback from the TS on details of programs, for example, the Associate Program. India would like to know how many applications were received, and how many of those applications were not accepted because of a lack in funding. Italy asked how any increase in ICA would affect the overall budget, stressing that any changes to be budget must be cost neutral.

15. (U) The co-facilitator stated that because delegations are requesting further explanations, he would ask the TS prepare an explanatory note on the ICA division, its programs and its funding level. The TS stated that he was unaware of any ongoing work within the TS to prepare an alternative proposal. He also noted that most divisions of the budget were reduced for the 2007 program because of efficiency

gains, and comparatively, the ICA division received a significant increase. In the debate on who should be responsible for preparing an alternative proposal, India stated that because this is a TS prepared budget, it would be most reasonable for the TS to decide where and how an increase would be beneficial.

16. (U) South Africa interjected that they are simply asking for the TS to show which areas of the ICA division could benefit from an increase in funding, and following a review of the TS proposal, SPs could open negotiations in this area.

Del rep pushed back strongly and said that it was up to delegations that sought an increase in ICA funding to make a proposal. Del rep also noted that maintaining a balance between Chapter 1 and Chapter 2 funding was important for the U.S. and therefore any real increase in ICA funding could necessitate a further increase in OCPF inspections in order to maintain the balance between Chapter 1 and 2. Del rep expressed concern that some ICA funding and EU funding for ICA was not spent last year.

17. (U) Australia noted that during the last consultations John Makhubalo, Director of the ICA division, provided this information that some delegations are requesting very clearly, and it would be inappropriate for the TS to present a counter-proposal to its own proposal. Australia urged those delegations with concerns to reach out bilaterally to Makhubalo for further information so that they can prepare an alternative proposal, but this needed to be done rather quickly as they hoped to reach an agreement on the budget at EC-47. Australia also stated that any increase in the budget must be cost neutral. Italy and Germany supported Australia's comment and both stated that the balance between Chapter 1 and 2 funding must be maintained.

18. (U) Switzerland again asked the TS to clarify why the 2007 budget is under zero nominal growth (ZNG). In response, the TS stated that the intent was never to produce a budget under

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ZNG, they prepared the budget to achieve the core objectives for 2007, and due to savings from efficiency gains, it just happened to come under ZNG. The TS said that he would see if

Makhubalo could be present at the next consultation, but flatly stated that an informational paper prepared by the TS is unlikely to satisfy delegations requests. However, if SPs felt an explanatory note was necessary, they would prepare one and provide it to SPs early next week. South Africa suggested that the TS internally coordinate the paper so that all views are incorporated.

¶9. (U) The UK stated that they did not think that an information paper was necessary, but if one was going to be prepared, their delegation would like to see information of the appropriation of all voluntary contributions, to include EU funding. (Note: To the UK's surprise, at the last consultations, the TS stated that the 2006 UK contribution to the Associate Program had been re-allocated to another program since the Associate Program was fully funded.)

¶10. (U) On discussions related to the draft decision, China was the first delegation to intervene by noting that none of their concerns had been incorporated into the text. India and Mexico both supported the comments made by China that none of their concerns were addressed in the annex of the report. The U.S. and Germany both provided general support for the draft decision. While Iran admitted that he had not yet sent to draft decision to Tehran, he personally thought it was premature to discuss the annex since some issues had not yet been resolved. Mexico asked for the reasons why the table on the last page had been changed from the table in the original budget, specifically on Libya inspections and the decrease in CWSF inspections. The TS stated that the TS is required by Council decision to draft decision text prior to an EC, and thus far the annex just incorporates very basic remarks by SPs, and all discussions on issues that were still open have not been included. The co-facilitator stated that it was obvious that the draft decision needed to be "beefed up" and he would schedule a plenary meeting on November 3 for final discussions on the budget.

REPAYMENT PLANS

¶11. (U) Informal consultations were held on October 26 to review the revised draft decision document (dated 20 October 2006) on creating a repayment mechanism for those SPs in arrears. At the start of the meeting, there was a general debate on whether to remove or retain all references to voting rights. Italy intervened stating that by removing references to voting rights, SPs in arrears would have low incentive for entering into a payment plan. Most delegations agreed, and discussions proceeded with the voting right text.

Iran stated that they would be able to retain OP 3(C) so long as PP5 was retained, and suggested that OP 3 read, "Provide an outline of the reasons for the existing arrears and the request for a multi-year payment plan, if they consider it appropriate. The UK suggested "as appropriate" instead of "if they consider it appropriate" and consensus was reached. On OP 5 Japan requested that "review" be changed to "consider." No delegations objected to this proposal.

¶12. (U) All delegations agreed to de-bracket OP 5(b). Regarding OP 9, Iran and China both stated that the language is confusing, and noted that it reads as if the multi-year payment plan is a precondition for the restoration of voting rights. Iran proposed replacing OP9 with the text of PP5 to read, "Agree Further, that the existence and status of implementation of an agreed multi-year payment plan might be among the factors that the Convention could take into account in deciding, under Article VIII, paragraph 8 of the Convention, whether to permit a State Party that is in arrears to vote" and then remove PP5. All delegations supported the Iranian proposal and agreed to move OP 9 to follow OP 5

¶13. (U) After some discussion on the meaning of "if applicable," delegations agreed to keep OP 10 (b, ii) to read, "Article VIII, paragraph 8, of the Convention shall

again apply, in those cases where the restoration of voting rights was based upon the existence of a multi-year payment plan, without prejudice to the right of any State Party to request the restoration of its voting rights."

¶14. (U) All delegations offered their general support for the revised draft, while noting that it still needs to be sent to capitals for final approval. The TS stated that the final draft decision would be placed on the external server. Del will forward a copy as soon as it is available.

EC-47 PREPARATIONS AND EC REPORT

¶15. (U) Informal consultations were held on October 25 to discuss the annotated provisional agenda for EC-47 and the draft report of the EC on its activities (EC-47/CRP.1, dated 31 August 2006). Vice Chairman Alexander Petri (FRG), who chaired the session due to the absence of EC Chairperson Mkhize (South Africa), began by stating that this meeting should not address substance. He asked delegations to comment only on items of procedural concern (items not ready for discussion, or which delegations would need to request deferral, etc.). Petri proposed doing a paragraph-by-paragraph review of each document, beginning with the EC-47 agenda.

¶16. (U) Iran was the first delegation to intervene, on the U.S. and Russian extension requests, specifically asking that the language that had been included at EC-46 (at Iranian insistence) on those extension requests be included in the provisional annotated agenda. Iran then asked for further information regarding the UK proposal on site visits. Petri responded to the Iranian proposal by stating that this decision is of substantive discussion, and this meeting was simply to acknowledge the agenda as the procedural basis for discussions at EC-47. Iran then backed down.

¶17. (U) Italy asked for TS for clarification regarding OP 5.18, which states that the "Council is requested to note the comments and views received on the 2005 Verification Implementation Report." Italy asked if this was standard text for EC agendas. Iran said that they would like to see the language revised from "note" to "receive" in the text. Amb. Khodakov replied that the language in this agenda is identical to that of prior agendas, and language regarding "to receive" versus "to note" is should be decided within the EC, not in this forum. Regarding agenda item six, India asked the TS if the EC-45 paper would be topic for discussion, and the TS responded that discussions with SPs have not been conclusive, therefore, the paper has not yet been prepared.

¶18. (U) Regarding the draft report of the EC on its activities in the period from 2 July 2005- 7 July 2006, Iran was again the first delegation to intervene, focusing on para 1.10 about Iraqi participation at EC-44. Iran asked for the text to better reflect the decision at that EC that this occurrence "does not set the precedent for future cases." Then on paras 2.16 and 2.17 (the U.S. and Russian extension requests), Iran again asked that the language that had been added at Iranian insistence be included in this document.

¶19. (U) Turkey asked that OP 2.71 be revised to reflect the gravity and importance of the anti-terrorism efforts of the OPCW and proposed changing the language to read, "The Council at its Forty-Fifth session received and considered a Note by the Director-General on the OPCW's contribution to global efforts to fight terrorism." Khodakov responded to Turkey's proposal by noting that it would be inappropriate to reflect this language in the agenda, as it is a decision that must be made by SPs.

¶20. (U) Iran asked for clarification regarding item five, "Matters Requiring Consideration or Action by CSP-11," noting that it is an incomplete list. Khodakov reminded delegations

that this report only covers activities up to July 7, 2006, and stated that it would be possible to add a footnote reflecting this in the report.

¶21. (U) Iran then asked that language be inserted into para 1.8 of the Annex "encouraging SPs to fulfill their obligations under Article XI, 2(c) and 2(e)." Khodakov noted that the specific text was the CSP decision language and that the EC is in no position to modify the text. Iran then said that, procedurally, it had made a proposal and that no delegation had objected, so it should be accepted. Delegates from Italy and Austria made some general comments. Australia then flatly said that it objected to the Iranian proposal, stating that "cherry-picking" items which a certain delegation deems of higher importance, is not appropriate for this report or productive for this meeting.

¶22. (U) Italy suggested removing the annex of this report, which Khodakov said it would consider. Khodakov then posed as an alternative simply adding the CSP-10 final report, excluding the budget. Iran stated that because their comments in this consultation were not going to be incorporated, they will refuse to "note" this draft report during EC-47, and only agree to "receive" the report. Petri ended the meeting by stating that this item was deferred for later consideration.

¶23. (U) Javits sends.
ARNALL